UNITED STATES DISTRICT COURT EASTERN DISTRICT OF TENNESSEE at CHATTANOOGA

JIMMY LEE SAMPLES,)	
Plaintiff,)	
1 iumim,)	Case No. 1:15-cv-190
v.)	
)	Judge Mattice
WALMART, and)	Magistrate Judge Lee
KOBRA KIOSK #02001560,)	
)	
Defendants.)	
)	

ORDER

On November 16, 2015, United States Magistrate Judge Susan K. Lee filed her Report and Recommendation (Doc. 7) pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(a). Magistrate Judge Lee recommended that, pursuant to 28 U.S.C. § 1915, Plaintiff's action be dismissed with prejudice for failure to state a claim for which relief can be granted, as he has pled no allegations of state action by the Defendants to support claims under 42 U.S.C. § 1983. (*Id.*).

Plaintiff has filed no objections to the Magistrate Judge's Report and Recommendation.¹ Nevertheless, the Court has reviewed the Report and Recommendation, as well as the record, and it agrees with Magistrate Judge Lee's well-reasoned conclusions.

¹ Magistrate Judge Lee specifically advised Plaintiff that he had 14 days in which to object to the Report and Recommendation and that failure to do so would waive any right to appeal. (Doc. 7 at 6 n.4); see Fed. R. Civ. P. 72(b)(2); see also Thomas v. Arn, 474 U.S. 140, 148-51 (1985) (noting that "[i]t does not appear that Congress intended to require district court review of a magistrate's factual or legal conclusions, under a de novo or any other standard, when neither party objects to those findings"). Even taking into account the three additional days for service provided by Fed. R. Civ. P. 6(d), the period in which Plaintiff could

timely file objections has now expired.

Accordingly,

- The Court **ACCEPTS** and **ADOPTS** Magistrate Judge Lee's findings of fact, conclusions of law, and recommendations pursuant to § 636(b)(1) and Rule 72(b);
- Plaintiff's Motion for Leave to Proceed *in forma pauperis* (Doc. 1) and Amended Motion for Leave to Proceed *in forma pauperis* (Doc. 5) are **DENIED**;
- This case is hereby **DISMISSED WITH PREJUDICE**.

SO ORDERED this 7th day of December, 2015.

/s/ Harry S. Mattice, Jr.
HARRY S. MATTICE, JR.
UNITED STATES DISTRICT JUDGE